

REMARKS

Claims 1-17 are now pending in the application. Claims 1, 10 and 12 have been amended herein, and claim 17 has been added. Favorable reconsideration of the application, as amended, is respectfully requested.

Applicants have amended claim 10 as suggested by the Examiner in order to address the noted informality.

I. REJECTION OF CLAIMS 1, 3-5, 7-8, 11-12 AND 14-16 UNDER 35 USC §103(a)

Claims 1, 3-5, 7-8, 11-12 and 14-16 stand rejected under 35 USC §103(a) based on *Honjo* in view of *Nomura et al.*¹ Applicant respectfully requests withdrawal of the rejection for at least the following reasons.

Claimed Invention:

Claims 1 and 12 have been amended to emphasize the features of the invention in which recording and dubbing is provided. According to the present invention, an instruction to dub or copy content is received from a user (e.g., via the instruction receiving section). In a case where an instruction to dub the content has not been received from a user (i.e., *before* receiving an instruction to dub the content), the converting section converts the first data stream (e.g., TS) into the second data stream (e.g., PS) and the processing section writes the second data stream on the first type of storage medium (e.g., HDD).

Moreover, when the instruction receiving section receives an instruction to dub the content from a user and *both* the first (e.g., TS) and second (e.g., PS) data streams have been recorded on the first type of storage medium (e.g., HDD), the processing section reads the second data stream from the first type of storage medium, writes the second data stream on the second type of storage medium, and then deletes the

¹Applicant notes that in the section header the Office Action refers to claims 1, 3-5, 7-8, 11 and 13-16 as being subject to the particular rejection. However, based on the detailed discussion the applicant believes the Examiner intended to refer to claims 1, 3-5, 7-8, 11-12 and 14-16 as subject to the particular rejection. Should this be incorrect, applicant respectfully requests clarification in the next communication.

second data stream from the first type of storage medium. See, e.g., Spec., ¶¶ [0081-82].

Honjo and Nomura et al.:

Honjo relates to a method for recording and reproducing MPEG data. *Honjo* describes how data which is first recorded on a hard disk is reproduced, decoded and then re-encoded for dubbing on an optical disk. The Examiner specifically refers to *Honjo* as describing converting 9-Mbps CBR/TS data recorded on an HDD 8 into 3-Mbps VBR/PS data. In support, the Examiner points to paragraphs [0072], [0079] and [0084].

Applicant acknowledges the teachings of *Honjo* insofar as describing converting the 9-Mbps CBR/TS data recorded on an HDD 8 into 3-Mbps VBR/PS data which is then recorded on an optical disk 9. However, in *Honjo* conversion of the 9-Mbps CBR/TS data into 3-Mbps VBR/PS data is based on *reproducing* the 9-Mbps CBR/TS data *already* recorded on the HDD 8, converting the data rate, and thereafter adding navigation information to result in the 3-Mbps VBR/PS. ¶¶[0072] and [0079]. In another embodiment, the data rate and the addition of navigation information are performed simultaneously with respect to the reproduced 9-Mbps CBR/TS data which again has already been recorded on the HDD 8. ¶[0084].

Notably, the conversion of the data in *Honjo* is premised on the 9-Mbps CBR/TS data having *already* been recorded on the HDD 8 and then being reproduced. Thus, in order for the 9-Mbps CBR/TS data to be converted to 3-Mbps VBR/PS data, the user must initiate a request that the 9-Mbps CBR/TS data to be converted to 3-Mbps VBR/PS data. In other words, a user must provide an instruction to dub the 9-Mbps CBR/TS data stored on the HDD 8 to the optical disk 9.

Conversely, amended claims 1 and 12 specify how *before* receiving an instruction to dub the content, the converting section converts the first data stream (e.g., TS) into the second data stream (e.g., PS) and the processing section writes the second data stream on the first type of storage medium (e.g., HDD).

Nomura et al. is similar to *Honjo* in that a user provides a dub or copy instruction in order that AV contents recorded on the hard disk are copied onto an external recording medium (e.g., optical disk) after the AV contents are converted into compression data. Similar to *Honjo*, in *Nomura et al.* data is initially recorded on the hard disk. Thereafter, it is upon a user request for copying or dubbing that the data recorded on the hard disk is re-encoded for storage on the optical disk. See, e.g., ¶¶[0103-0114]. In other words, neither *Honjo* nor *Nomura et al.* operates in a "default" manner in which the second data stream is created and recorded on a hard disk absent specific instruction from the user.

For at least these reasons, applicant respectfully submits that neither *Honjo* nor *Nomura et al.*, whether taken alone or in combination, result in the invention of claims 1 and 12 being obvious. Claims 3-5, 7-8, 11 and 14-16 each depend from either claim 1 or 12 (directly or indirectly) and may be distinguished over the *Honjo* and *Nomura et al.* for at least the same reasons. Withdrawal of the rejection is respectfully requested.

II. REJECTION OF CLAIMS 2, 6, 9-10 AND 13 UNDER 35 USC §103(a)

Remaining claims 2, 6, 9-10 and 13 stand rejected under 35 USC §103(a) based on *Honjo* and *Nomura et al.*, and further in view of *well known prior art*, *Cheng et al.* or *Goto et al.* Applicant respectfully requests withdrawal of these rejections.

Applicant respectfully submits that each of these dependent claims may be distinguished over the teachings of *Honjo* and *Nomura et al.* for at least the same reasons discussed above in relation to claims 1 and 12. Moreover, the secondary references have not been found to make up for the above-described deficiencies.

III. CONCLUSION

New claim 17 is supported, for example, at ¶¶[0065], [0082] and [0093] of the present application. Claim 17 may be distinguished over the *Honjo* and *Nomura et al.* for at least the same reasons as claims 1 and 12. Moreover, claim 17 recites the feature whereby if a prescribed instruction is received before the first instruction receiving section receives the instruction to dub, the processing section deletes the

second data stream from the first type of storage medium. There is no such deletion of the second data stream from the first type of storage medium prior to a dub instruction in *Honjo* and *Nomura et al.*

Accordingly, all claims 1-17 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

/Mark D. Saralino/

Mark D. Saralino

Reg. No. 34,243

DATE: September 26, 2009

The Keith Building
1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113